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Human rights situations that require the Council's attention

Written statement* submitted by Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Situation of Baha'is in Yemen

Baha'is in Yemen are facing unfair treatment based on their religious beliefs in different fields including construction, medicine, tribal reconciliation, education, humanitarian and disaster relief. In the last few years, representatives of the Yemeni Baha'i community have met with hundreds of government officials, tribal elders, university professor, journalists, human rights activists and diplomats, to further strengthen their ties with Yemeni society and explain their non-political concerns for the welfare of each and all.

In April 2017, the authorities called for the arrest of over 25 Bahá'ís under similar accusations such as showing kindness and displaying rectitude of conduct in order to attract people to their Faith. Many individuals on the arrest list are prominent members of the Bahá'í community including Mr. Walid Ayyash who serves the Bahá'í community as a Counsellor as well as individuals assisting with the organization of community affairs at the national level. Mr. Ayyash was abducted this same month.

Continuing violence against Baha'is

The Baha'i community has also faced challenges, which are sharply accelerating. In 2008, the authorities at that time, detained six Baha'is in connection with their faith and eventually deported two of them. In 2013, Mr. Hamed Kamal bin Haydara was imprisoned by the authorities in Sana'a, Yemen, and was accused of various unfounded charges including acting as a spy for Israel. Over the course of his imprisonment he has experienced various forms of torture including being beaten and electrocuted. He has also been repeatedly denied necessary medical treatment for his gallbladder and heart. Dozens of court hearings have been delayed until, most recently in early August 2017, it was learned that his hearing was postponed indefinitely. In August 2016, authorities in Sana'a arrested over 60 men, women and children at an educational conference organized by the Nida Foundation for Development and the Bahá'í community of Yemen, raided the homes of Baha'is and seized their phones and documents, including passports and pressured relatives and friends to pay for the prisoners' release. In April 2017, the authorities arrested over 25 Baha'is under similar accusations such as sowing kindness and displaying rectitude of conduct to attract people to their faith. As of September 2017, at least seven Bahá'ís in Sana'a were imprisoned, including a notable Yemeni tribal leader, Mr. Walid Ayyash. Other than Mr. Haydara (age 52) and Mr. Kaiwan Ghaderi, the whereabouts for the remaining imprisoned Bahá'ís were unknown to their families. Many more Bahá'ís continue to move from place to place in order to avoid their arrest. In September 2017, the UN High Commissioner for Human Rights reported on violations and abuses of human rights in Yemen and confirmed the arrests of Bahá'ís in August 2016 and in mid-2017 (see points 72, 73 and 111 in the report).

On 22 October 2017, the brother of Mr. Walid Ayyash, Mr. Akkram Ayyash, was arrested after Yemeni security forces raided a Bahá'í gathering in Sana'a to commemorate the bicentenary of the birth of Bahá'u'lláh. The attackers were reportedly in four cars and an armored vehicle, which they used to break down the front door of the family home of Mr. Walid Ayyash.

Since December 2013, 52-year-old Hamed Kamal Muhammad bin Haydara, has been detained in Sana'a. He is at risk of being executed: on 2 January 2018 the judge (Abdo Ismail Hassan Rajeh) issued a verdict to confiscate all of Mr. Haydara's assets and to sentence him to be publicly executed due to his association with the Baha'i World Centre in Haifa, Israel. The verdict also included the decision to dissolve Bahá'í Assemblies in Yemen. The lawyer immediately appealed the verdict during the same hearing. Mr Haydara is suffering from a range of health issues for which he needs medical attention.

Hamed Haydara, was born in Socotra in 1964, officially obtained his Yemeni nationality in 1985 from his Iranian father who had arrived in Socotra in 1954 and was naturalized by the Sultan of Al-Mahra.
In the late 1990s, the authorities in Socotra gave Hamid Haydara blank ID cards for him and family members and it was left up to the individuals to complete these by hand.

According to court documents, he has been charged with offences including spying for Israel, spreading the Bahá'í in the Republic of Yemen and encouraging Baha'is to buy lands and start up enterprises with the intentions of recruiting many Baha'is to settle within the territory of the Republic of Yemen.

Currently, it is the main and well-founded concern that these charges against him have only been made because of his conscientiously held beliefs and his peaceful activities as a member of the Baha'i community.
The Human Rights Committee sees the mandatory imposition of death sentences as a violation of the right to life. In addition, the Special Rapporteur on extrajudicial executions has stated that "in death penalty cases, individualized sentencing by the judiciary is required to prevent cruel, inhuman or degrading punishment and the arbitrary deprivation of life" and that the mandatory death penalty which precludes the possibility of a lesser sentence being imposed regardless of the circumstances, is inconsistent with the prohibition of cruel, inhuman or degrading treatment or punishment.

Also, Akram Ayyash, was arrested on 22 October 2017 in Sana'a. His brother Walid Ayyash, a well-known tribal leader, also a Baha'I, was sent in April 2017 to an unknown place.

Under international law and standards, everyone arrested or detained and everyone facing a criminal charge has the right to the assistance of legal counsel, to enable them to protect their rights and begin to prepare their defense and to enable them to challenge their detention. This right also serves as an important safeguard against torture and other ill-treatment. As of 2 January 2017, at least seven Bahá'is are imprisoned in Sana'a. The following identifies their names and original arrest dates:

1. Mr. Hamed bin Haydara, 3 December 2013
2. Mr. Kaiwan Ghaderi 10 August 2016
3. Mr. Walid Ayyash, 20 April 2017
4. Mr. Mahmud Hameed, 20 April 2017
5. Mr. Wael Al-Arieghie 23 May 2017
6. Mr. Badiullah Sana'i, for a second time on 25 May 2017
7. Mr. Akkram Ayyash, 22 October 2017

Society for Threatened Peoples calls on the UN Human Rights Council to:

- Call for the immediate release of Baha'i men at risk of death sentence in Yemen
- Call for implementing the convention on the elimination of discrimination against Baha'i in Yemen
- Call for a political process that is inclusive, peaceful and democratic
- Call for an end of the recruitment and use of children and release those who have already been recruited
- Call for an investigation into all alleged violations and abuses of human rights and alleged violations of international humanitarian law, in accordance with international standards, with a view to ending impunity
- Monitor and report the situation of human rights in Yemen, and the development and implementation of the present resolution